

## FINANCIAL DISCLOSURE FOR FEDERAL ADVISORY COMMITTEE MEMBERS APPOINTED AS SPECIAL GOVERNMENT EMPLOYEES

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### I. PURPOSE

This issuance sets forth CDC/ATSDR policy, responsibilities, and procedures for financial disclosure required of Federal Advisory Committee members appointed as Special Government Employees (SGEs).

### II. BACKGROUND

The Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635, effective February 3, 1993, prescribe principles that apply to every employee of the U.S. Government, including Federal advisory committee members appointed as Special Government Employees.

An SGE is defined as an employee of the Federal Government who is appointed to perform temporary duties, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days. Members of advisory committees appointed as SGEs are required by the Ethics Reform Act of 1989, and 5 CFR Part 2634, to file a financial disclosure report when first appointed and as needed due to changes in financial interests. If appointed for a multi year term, committee members must update the report annually and also may be required to update the information on the report before each meeting.

Financial interests are reported on the Office of Government Ethics (OGE) Confidential Financial Disclosure Report [Form 450](#). This is the official and only acceptable form used by SGEs to report financial interests. Reported information is used to determine the matters for which a committee member must be disqualified under the criminal financial conflict of interest statute, 18 U.S.C. § 208(a), other ethics laws, or standards of conduct. It is also used to determine the matters for which a committee member may be granted a waiver under 18 U.S.C. § 208(b).

Complete and timely reporting is essential to protect the committee member from inadvertently violating any of the criminal conflict of interest statutes, and to assure the public of the integrity of the process.

### III. POLICY

All SGEs appointed as CDC/ATSDR Federal advisory committee members must complete an OGE Form 450 and submit it directly to Federal Advisory Committee Management (FACM), Management Analysis and Services Office (MASO), Office of the Chief Operating Officer, Centers for Disease Control and Prevention. This form should be submitted upon appointment and as needed due to changes in financial interests.

Federal advisory committee members will not be permitted to serve in any capacity, other than as private citizens, until FACM has received the OGE Form 450, evaluated and approved the report, and executed any necessary waivers. If the process is not completed prior to the Federal advisory committee meeting, the members will not be issued travel orders and will not be permitted to participate in the meeting as committee members.

Properly completed forms must be submitted to FACM no later than 30 days prior to the Federal advisory committee meeting date to allow time for review and processing.

#### **IV. RESPONSIBILITIES**

##### **A. Management Analysis and Services Office, Federal Advisory Committee Management**

1. Provides overall guidance and management regarding the use of OGE Form 450 for Federal advisory committee members appointed as SGEs in accordance with applicable laws, regulations, and HHS policies.
2. Disseminates OGE Forms 450 to Federal advisory committee members as required.
3. Requests, reviews, and obtains approval of OGE Forms 450. Uses applicable committee charters, the Internet, and other resources to research reported financial interests and determine whether conflicts of interest exist. Forms are checked for completeness and a determination is made regarding conflicts of interest in collaboration with committee executive secretaries or other program officials familiar with the subject matter addressed by the committee.
4. Contacts member by telephone or e-mail when OGE Form 450 is not adequately completed, or there are questions about particular interests and amends form appropriately with member's permission and notates form to document amendments. Only interests documented on OGE Form 450 (by the member or amended with the member's permission) are considered reported interests.
5. Determines need for and prepares necessary 208(b) conflict of interest waivers for review by the committee executive secretary, the Office of General Counsel (OGC) and obtains required approvals.
6. Consults, as needed, with OGC to identify conflicts of interest and determine appropriate restrictions. Works to ensure consistency in defining conflicts of interest and determination of restrictions.
7. Obtains signatures of committee members on waivers as required.
8. Manages annual Ethics training for all Federal advisory committee members appointed as SGEs. Selects appropriate training materials from OGE resource list, prepares and distributes materials to members, and collects certifications/acknowledgement of training from members.
9. Notifies the Executive Secretary of any Federal Advisory Committee when a member has not submitted a Form 450 as required by this policy and is therefore ineligible to receive travel orders or participate in committee meetings.
10. Maintains official files for each committee, including completed OGE Forms 450, waiver memorandums, and other pertinent information in accordance with the CDC Records Schedule.

##### **B. FACA Committee Executive Secretary or Designated Federal Official (DFO)**

1. Reviews OGE Forms 450 submitted by advisory committee members for completeness and possible conflicts of interests following initial review in FACM.
2. Makes recommendations relative to the need to prepare (or not prepare) conflict of interest waivers. Makes recommendations regarding inclusion or deletion of specific financial interests on conflict of interest waivers.
3. Reviews and signs necessary conflict of interest waiver memorandums prepared by FACM as authorized under Acts affecting a personal financial interest, section 208, 18 U.S.C., Chapter 11.
4. In coordination with FACM and OGC, provides new members with orientation and training relative to conflicts of interest and standards of conduct, prior to or at the members' first meeting.
5. Consults with the assigned OGC legal advisor to determine appropriate disclosure procedures for their committee. (Public disclosure at committee meetings procedures may vary by committee.)
6. Actively monitors members' participation in meetings and precludes their participation, as appropriate, to avoid conflicts of

interest and violations of ethics regulations.

### **C. Office of the General Counsel (OGC)**

1. Provides legal advice and interpretation of FACA to FACM, the executive secretary, the CIO Director or Management Official, and the Deputy Agency Ethics Official or designee, as needed. Assists the executive secretary to determine appropriate public disclosure procedure for their particular committee.
2. Provides concurrence or recommendations on conflict of interest waivers.
3. Attends committee meetings as necessary to address questions and issues about compliance with restrictions on participation, public disclosures, and other matters related to ethics laws and standards of conduct.

### **D. Director, Management Analysis and Services Office, Office the Chief Operating Officer, CDC**

1. Approves or disapproves Confidential Financial Disclosure Reports submitted by CDC/ATSDR advisory committee members who are not required to submit a Public Financial Disclosure Report (SF 278), in accordance with the Ethics in Government Act, as delegated by the Deputy Ethics Counselor, CDC/ATSDR, September 30, 1999.
2. Grants waivers under 18 U.S.C. Section 208(b) for CDC/ATSDR Federal advisory committee members, as delegated by the Deputy Ethics Counselor, CDC/ATSDR, September 30, 1999.

### **E. Federal Advisory Committee Member appointed as Special Government Employee**

1. Reads and acknowledges receipt of the "Standards of Ethical Conduct for Employees of the Executive Branch" and other ethics training materials provided annually by the FACM.
2. Accurately completes and submits OGE Form 450 within 30 days of accepting appointment as a committee member and no later than 30 days prior to the meeting date.
3. Voluntarily and promptly submits amended OGE 450 to FACM annually and any time a relevant change occurs in financial interests or professional and business relationships that is or might be perceived as a conflict of interest.
4. Publicly discloses any qualitative change in financial interests or professional/ business relationships that is or might be perceived as a conflict of interest at the beginning of each meeting. (Public disclosure procedures may vary by committee. Each committee executive secretary should consult with the assigned OGC legal advisor to determine appropriate disclosure procedures for their committee.)
5. Recuses himself or herself from participating in any meeting or portion of a meeting or other activity where he or she would give advice or participate in a particular matter which might have a direct or indirect effect on the interests of an organization or institution where the member is an employee, official, or consultant, or have a direct or indirect effect on the financial interests of the member, if such interests have not been waived and the member is directed to do so in the waiver letter or by the DFO.

### **F. Committee Chair**

1. Consults with committee executive secretary, OGC, and the Deputy Ethics Counselor, or designee, as appropriate, to determine restrictions that apply to any member before each meeting.
2. Asks committee members at each meeting to publicly disclose actual or potential conflicts of interest, according to the procedure pre-determined for that committee by the executive secretary and the OGC legal advisor.
3. Conducts meetings and makes assignments consistent with restrictions placed on each member.

### **V. RECORD KEEPING**

The Federal Advisory Committee Management Team, MASO is the office of record for all Federal Advisory Committee records, including OGE Forms 450.

National Archives and Records Administration General Records Schedule 1, Item 24, Financial Disclosure Reports, requires that OGE Form 450 be maintained for 6 years after which it may be destroyed.

The individually identified data collected on the OGE-450 is protected under Executive Branch wide Privacy Act system of records OGE-Gov't 2, and is accessed primarily by Government officials to determine compliance with Federal conflict of interest laws and regulations. Except for the routine uses listed on OGE Form 450, and other disclosures permitted by the Privacy Act, the report will not be disclosed unless authorized by law.

## **VI. REFERENCES**

- A. [Bribery, Graft, and Conflicts of Interest, 18 USC, Chapter 11, Sections 201- 216](#)
- B. [Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture, 5 CFR Part 2634](#)
- C. [Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635](#)
- D. [Committee Management, HHS General Administration Manual Chapter 9](#)
- E. [Financial Disclosure Reports, Item 24, General Records Schedule 1, National Archives and Records Administration](#)